

CRIMINAL DOCKET - U.S. District Court

Assigned
PO ☐ 417 4 1706
Misd ☐
Felony ☒ District Off Judge/Magistr

WRIT
JUVENILE
ALIAS
OFFENSE ON INDEX CARDS

U.S. VS

SEWELL, JOSEPH LEE, a/k/a Bubba,
JOHN DOE a/k/a SCOTT FRANKLIN--
a/k/a Scott Franklin per ORDER
of U.S. Mag. Alexander B. Denson
narcotic violation 3-16-87

Filed
Mo Day
06 10 86
Docket No. 000028
Def. 22
No. of Def's 33
U.S. MAG CASE NO

I. CHARGES

U.S. TITLE/SECTION
21§952(a) & 960 Importation of schedule I non-narcotic controlled
18§2 substance (marihuana) and aiding & Abetting Cts. 1&3 2
21§846, 18§ 2 Attempt to possess with intent to distribute schedule
I non-narcotic controlled substance (marihuana) and
aiding and abetting Ct. 2 1
21§841(a)(1), Possession with intent to distribute schedule I
18§2 non-narcotic controlled substance and aiding and
abetting Ct. 4 1

SUPERSEDING INDICTMENT

All counts are the same as listed above

II. KEY DATE

INTERVAL ONE
KEY DATE
4-8-87
Earliest of
Arrest
Summons
Custody
Appears on complaint
06-10-86
APPLICABLE
END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)
Indictment filed/unsealed
Consent to Magr trial on complaint
Information
1st appears on pending charge /R40
Receive file R20/21
Supdsd: X Ind L/Inf
KEY DATE
7/8/86
END INTERVAL TWO
KEY DATE
6-8-87
Dismissal
Pled
Guilty
Nolo
After N.G.
After nolo
Trial (voir dire) began
JURY
N.J.

1st appears with or waives counsel
ARRAIGNMENT
1st Trial Ended
RE-TRIAL
2nd Trial Begon
DISPOSITION DATE
SENTENCE DATE
PTD
Nolle
Pros
FINAL CHARGES DISMISSED
on def motion on gov't motion
on S.T. grounds
W.P. WOP

III. MAGISTRATE

Search Warrant Issued
Summons Issued
Arrest Warrant Issued
COMPLAINT
Date of Arrest
DATE
INITIAL/NO
INITIAL APPEARANCE DATE
PRELIMINARY EXAMINATION
Date Scheduled
Date Held
REMOVAL OR HEARING
WAIVED NOT WAIVED
INTERVENING INDICTMENT
Tape Number
OUTCOME
DISMISSED
HELD FOR GJOR OTHER PROCEEDING IN THIS DISTRICT
HELD FOR GJOR OTHER PROCEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information

ATTORNEYS
U. S. Attorney or Asst

J. DOUGLAS McCULLOUGH

Defense: 1 ☐ CJA 2 ☐ Ret 3 ☐ Waived 4 ☐ Self 5 ☐ Non / Other 6 ☐ PD. 7 ☐ CD

Dick DeGuerin
DeGuerin & Dickson
Seventh Flr., The Republic Bldg.
1018 Preston Avenue
Houston, Texas 77002

(Per ORDER filed 5/18/87 -
Mr. DeGuerin can appear
pro hac vice)

Sen: 8/24/87

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

RULE
20 21 40 In Out

BAIL • RELEASE

PRE INDICTMENT

Release Date
Bail Denied
Fugitive
Pers. Rec.
PSA
AMOUNT SET
\$25,000
Conditions
10% Dep.
Surety Bnd
Bail Not Made
Collateral
3rd Prty
Other
Date Bond Made

POST INDICTMENT

Release Date
Bail Denied
Fugitive
Pers. Rec.
PSA
AMOUNT SET
\$
Conditions
10% Dep.
Surety Bnd
Bail Not Made
Collateral
3rd Prty
Other
Date Bond Made

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

DATE DOCUMENT NO	Yr 86	Docket No 00028	Ext 22	MASTER DOCKET MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE 1 OF 1	VI EXCLUDABLE DELAY Start Date End Date	Ext Code	Total Days
				V. PROCEEDINGS				
6-3-86				JOHN DOE				
6-4-86				MOTION TO SEAL INDICTMENT ORDER OF SEALING	-Ordered sealed for 7 days unless time extended - Clerk unseal the indict. at 4 P.M. on 6/10/86. May unseal indictment to issue warrants for defts. and provide copies to U.S. Magistrates conducting I.A. and U.S. Atty. (McGottter, Mag.) -detention requested			
6-6-86				REQUEST FOR ISSUANCE OF WARRANT by U.S. Atty.				
6-6-86				ISSUED WARRANT FOR ARREST	- detention recommended by U.S. Atty - origl. & 1 cy. U.S. Marshal			
6-10-86				INDICTMENT	- 1c: Judge Britt, Mag. Dixon New Bern Div. Office			
6-11-86				MOTION FOR EXEMPLARS by Govern.	- 1c: Mag. Dixon w/prop. Order			
6-16-86				ORDER	that each deft. shall appear at the office of the U.S. Atty., Raleigh, N.C. during normal working hours upon a minimum of three (3) days notice. Further ORDERED that each deft. at that time shall provide an exemplar of his usual handwriting without distortion and major case prints. It is FURTHER ORDERED that the U.S. Atty. make available to each deft. the results of any tests, comparisons, etc. conducted as a result of securing the exemplars and prints. (Mag. Dixon) Cys. dist. to U.S. Atty. & Def't's counsel per: Mag. Dixon. CR. O.B. #4, P. 299. jp			
7-8-86				SUPERSEDING INDICTMENT	1c: Judge Britt, Mag. Dixon and New Bern Clerk's Office & U.S. Atty. dismissing the original Indictment for the reason that a Superseding Indictment was filed on 7-8-86 - (Judge Britt) Cys. dist. CR. O.B.#4, P. 327.			
7-8-86				ORDER				
3-16-87				ORDER	the Clerk is directed to make the necessary changes to reflect the proper identification of this defendant by name on all court records, including the indictment, warrant, notices, calendars, etc. (US Mag. Alexander B. Denson) O.B.#5, P.167, 1c: AUSA Ent. 3-16-87 PROPER IDENTIFICATION- JOSEPH LEE SEWELL, a/k/a Bubba, a/k/a Scott Franklin. jh			
3/19/87				ISSUED WARRANT FOR ARERST OF DEFT. - orig. & 1 U. S. Marshal	ag			
4-3-87				RETURN ON WARRANT ISSUED 6/6/86 - warrant returned - superseded by warrant dated 3/19/87 - changing name				
4/17/87				Field report - Subject self-surrendered to USM - Southern/Texas,				

LETTER CODES

For identifying periods of excludable delay per 18 USC 3161 (b) (3) (Sort on in brackets)

A. Exam or hearing for mental physical incapacity (18 USC 4244, (d) (1) (A))

B. NARA exam (18 USC 2902) (1) (B)

C. State Fed. proceedings or other charges (1) (C)

D. Interim report (1) (D)

E. Partial motion (1) (E)

F. Transfer from other district per FRCrP 20.2 or 40 or Mag. P. 11 (1) (F)

G. Proceedings under advisement not to exceed 30 days after all necessary submissions filed and hearings completed (1) (G)

H. Misc. proceedings (arrest, parole, probation, revocation, deportation, extradition) (1) (H)

I. Deferral of prosecution (1) (I)

J. Continuance (1) (J)

K. Period of mental physical incapacity (1) (K)

L. Period of NARA examination (1) (L)

M. Unavailability of defendant (1) (M)

N. Period of mental physical incapacity (1) (N)

O. Period of NARA examination (1) (O)

P. Superseding indictment and/or new charges (1) (P)

Q. Def. awaiting trial of co-defendant & no continuance has been granted (1) (Q)

R. Continuance granted (1) (R)

S. Continuance granted (1) (S)

T. Continuance granted (1) (T)

U. Continuance granted (1) (U)

V. Continuance granted (1) (V)

W. Continuance granted (1) (W)

X. Continuance granted (1) (X)

Y. Continuance granted (1) (Y)

Z. Continuance granted (1) (Z)

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

SEWELL, Joseph Lee, etc.,

AO 256A *

86 00028 22
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
4-27-87	Called SDTex - Clerk's Office - re: arrest of deft. Advised to call Mag. Platter's office - Freda Khan - Deputy Clerk - left word for Ms. Khan to call.				
4-28-87	Called Mag. Platter's office - Ms. Khan in Court				
4-29-87	Called Mag. Platter's Office - Ms. Khan in Court				
5-1-87	Called Mag. Platter's office - Ms. Khan in Court				
5-4-87	Talked w/Ms. Khan - advised deft. on 4-8-87 in SDTex - waived prel. hearing - waived prel. exam - executed \$25,000 PR bond and atty. was Dick DeGuerin - also advised that had not forwarded us the papers on this matter - but would do so.				
5-4-87	ISSUED NOTICE TO APPEAR - set for I.A. on Wednesday, 5/13/87 at 11 A.M. in New Bern before Mag. McCotter. lc: Mag. McCotter, USA, USPO, USM, New Bern Office and Joyce Todd, Civ. Sec. - lc: deft. at 14592 Swiss Dr, Dellvalle, Austin, Texas lc: Mr. DeGuerin at 1018 Preston Ave., The Republic Bldg., 7th Flr., Houston, Texas 77208 (address for deft. and Mr. DeGuerin given by Ms. Kahn).				
5-5-87	RETURN ON WARRANT FOR ARREST - received 4/8/87 and executed 4/8/87 by Diane P. Steadman - DUSM Houston, Texas.				
5/7/87	PAPERS RECEIVED FROM SOUTHERN DISTRICT OF TEXAS - HOUSTON DIVISION Bond \$25,000 unsecured (order for release)				
5/11/87	NOTICE OF ENTRY OF ATTORNEY OF RECORD by deft. w/Cert. of Service				
5/11/87	UNOPPOSED MOTION TO RESCHEDULE INITIAL APPEARANCE by deft. w/Cert. of Service				ag
5/11/87	Per Russell Suggs - Mag. McCotter will do order continuing initial appear - before district Judge - when we do calendar after receiving order from Mag. set for initial appearance - Arraignment & trial				ag
5/11/87	ORDER - ordered that the initial appearance is rescheduled for Wednesday, 5/27/87 (Charles K. McCotter, Jr. U.S. Mag.) cys: U. S. Atty. Dick DeGuerin; U. S. M. P. O.				ag
5-13-87	ORDER that the deft., Joseph Lee Sewell, appear before the undersigned for initial appearance, arraignment and trial at 9:00 a.m. on 8 June 1987 in Raleigh, N.C. (Judge W. Earl Britt) O.B.#5, P.218 lc: AUSA, USPO, USM, Counsel of Record. Ent 5-13-87 Jh				
5/15/87	ISSUED NOTICE - deft. to appear for initial appearance, arraignment & Trial on Monday, 6/8/87 at 9 A. M. in Raleigh, N. C. lc: U. S. Atty. & Mr. DeGuerin				ag
5-18-87	DEFENDANT'S MOTION FOR HIS COUNSEL TO APPEAR PRO HAC VICE and to waive requirement of local counsel w/cs. and w/proposed order. lc: Judge Britt w/Prop. Order.				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-18-87	ORDER - motion of Dick DeFuerin to appear as counsel for deft. pro hac vice is allowed. (Britt, J) Cr. OB#5, P. 221. lc: USA, Mr. DeGuerin, Mag. McCotter and USPO				
6-8-87	RALEIGH - JUDGE BRITT - DONNA TOMAWSKI - Ct. Reporter I.A. & Arrgn. Deft. sworn - competent Rule 11 MEMORANDUM OF PLEA AGREEMENT w/ Addendum lc: USA,USPO, Mr. DeGuerin Plea of G/Ct. 1 - accepted Deft's M/Dism. Cts. 2, 3 & 4 - allowed Bond cont'd. SEN: 8/24/87 at 9 A.M. in Wilm.				
8-7-87	NOTICE ISSUED FOR SENTENCING at Wil, NC, Mon. Aug. 24, 1987 Before Judge Britt at 9:00 AM. cy: Deft., AUSA, Counsel of Record. jh				
8/17/87	MEMO - To All court personnel and Mr. DeGuerin - re: sentencing.on 8/24/87 at 9 A.M.				
8/21/87	DEFENDANT JOE SEWELL'S SENTENCING REQUEST by deft. lc: Judge Britt				ag
8-24-87	SENTENCING - wilm. - Judge Britt - Jo Bush Court Reporter JUDGMENT AND PROBATION COMMITMENT ORDER Orig. Indictment dismissed 7-8-86 S.I. - Cts. 2-4 dismissed CT. 1 - 4 yrs - w/a special parole term of not less than 2 yrs. Court recommends that this sen. be served at FCI at Big Springs, Texas The deft. be allowed to report at his own expense at 12 noon on the date designated by the USM to the facility designated by the USBureau of Prisons Deft. allowed to go under existing bond. (Britt, J) Cr. OB#5, P. 300. 2cs: USA, USA lc: USPO, Judge Britt deft. and Mr. DeGuerin (ent. 9/1/87).				
10-6-87	ORDER TO SURRENDER MARSHALS REUTRN ON J & C - Deft. surrendered 9-24-87 to FCI at Seagoville, texas, (W.L. Garrison, Warden by: D. Shirley, SLT)				jh